



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

Telephone: 559-897-5328 Fax: 559-897-6558

Chairperson
DR. PAUL KRUPER

Vice Chairperson
DR. JASON ROUNTREE

COMMISSIONERS
JEREMY KINNEY
TROY COZBEY
BRUCE BLAYNEY
CJ BROCK
BEN CARLSON

Planning & Development
Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA

KINGSBURG PLANNING COMMISSION

SEPTEMBER 12, 2019

6:00 P.M.

**KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET**

1. **Call to order - Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.**

NEXT RESOLUTION 2019-06

2. **APPROVAL** of the August 8, 2019 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **REQUEST FOR 1 YEAR EXTENSION FROM DALE G. MELL & ASSOCIATES FOR TENTATIVE TRACT NO. 5073 – AKS ENTERPRISES LOCATED ON KAMM AVENUE**
 - A. Presentation by Planning Director Greg Collins.
 - B. Commission discussion
 - C. Adopt/deny/modify resolution.
5. **PUBLIC HEARING – PARCEL MAP 2019-01 TO DIVIDE 12.61 ACRES INTO FOUR PARCELS, LOCATED AT 2491 SIMPSON STREET. APPLICANT ABE WIEBE.**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Planning Director Greg Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion
 - G. Close Public Hearing
 - H. Possible Actions:
 1. Decisions regarding Environmental Document
 2. Adopt/Deny/Modify Resolution
6. **PUBLIC HEARING – CUP 2019-01 STONE PLAZA**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Planning Director Greg Collins.
 - C. Commission Discussion
 - D. Open for Public Comment

- E. Close Public Comment
- F. Continued Commission Discussion
- G. Close Public Hearing
- H. Possible Actions:
 - 1. Decisions regarding Environmental Document
 - 2. Adopt/Deny/Modify Resolution

**7. PUBLIC NOTICE - HO-2019-13 REGARDING PROTEST LETTER
RECEIVED ON BERTELSEN AIR BNB**

- A. Open Public Hearing scheduled for 6:00 P.M.
- B. Presentation by Planning Director Greg Collins.
- C. Commission Discussion
- D. Open for Public Comment
- E. Close Public Comment
- F. Continued Commission Discussion
- G. Close Public Hearing
- H. Possible Actions:
 - 1. Adopt/Deny/Modify Resolution

8. FUTURE ITEMS

9. ADJOURN

**KINGSBURG PLANNING COMMISSION
REGULAR MEETING
AUGUST 8, 2019**

Call to order – At 6:01 PM the Kingsburg Planning Commission meeting was called to order.

Commissioners Present – Carlson, Rountree, Brock, Blayney and Kruper

Commissioners absent – Kinney and Cozbey

Staff Present – City Manager Alex Henderson, Planning Director Greg Collins and Planning Secretary Mary Colby.

Others Present – Efrain Yanez, Peter Erickson

Introduction of newest Planning Commissioner Ben Carlson

APPROVAL- Commissioner Blayney made a motion, seconded by Commissioner Rountree to approve the minutes of the July 11, 2019 meeting as mailed. The motion carried by unanimous vote of those Commissioners present.

PUBLIC COMMENTS – There were no citizens present who wished to comment at this time.

REQUEST FOR 1 YEAR EXTENSION FROM HARBOUR & ASSOCIATES FOR TENTATIVE TRACT NO. 6151 – ERICKSON PROPERTY

Planning Director Greg Collins stated that this is pretty straightforward and standard with subdivisions. First approved in 2017 and the time is nearing for expiration.

Commissioner Blayney made a motion, seconded by Commissioner Rountree to approve resolution 2019-04 granting a 1-year extension for Tentative Tract Map no. 6151 – Erickson property. The motion carried by unanimous vote of those Commissioners present.

Commissioner Carlson recused himself from item #5 due to a conflict of interest with property ownership.

**PUBLIC HEARING – FOR CONSTRUCTION OF A MULTI USE (COMMERCIAL & RESIDENTIAL) BUILDING LOCATED AT 1300 DRAPER STREET (STONE PLAZA).
APPLICANT EFRAIN YANEZ**

The Public Hearing was opened at 6:06 P.M.

Planning Director Greg Collins stated that this is a Conditional Use Permit (CUP) for a mixed-use development, located at the corner of Draper & California St. It is a unique project which contains residential and commercial spaces in the downtown area which requires a CUP with a public notice. There is a trend occurring in the valley with more of these types of projects being introduced. Ground floor commercial, 3 spaces and on second floor 9 living units and one living unit downstairs. Will have a courtyard at the center with parking on the south side for the residents.

AT 6:14PM Commissioner Brock recused himself from the public hearing due to a conflict of interest with property ownership.

Mr. Collins outlined the conditions for approval before turning the discussion back to the Planning Commission.

**KINGSBURG PLANNING COMMISSION
REGULAR MEETING
AUGUST 8, 2019**

Commission Discussed the following items:

- The entrance will be on Draper Street
- Parallel parking will be provided from California Street
- Residents will exit to Lewis Street
- Should the applicant be required to help with reconstruction of alley behind post office.
- Recommended that a fund be set aside for future improvements to this alley.
- Research two-way traffic from California Street
- Sound proofing of residential units.

At 6:36 PM the Public Comment was opened.

Peter Erickson was very interested in the discussion of the architecture and design.

His Concerns about the project:

- Parking seems to be a little light for this project.
- Appearance – would like to see the final renderings of the buildings and what will it look like. This is a cornerstone building and one of the first things people see when coming into town from Simpson St.

Close Public Comment at 6:46PM

Continued Commission Discussion

Look at the two-way alley

Close Public Hearing at 6:48PM

Possible Actions:

Commissioner Blayney made a motion, seconded by Commissioner Rountree to approve the finding of categorical exemption for Conditional Use Permit 2019-01 under the California Environmental Quality Act Guideline Section 15332 – In-fill site within the City of less than 5 acres consistent with the guidelines for Class 32, Section 15332. The motion carried by unanimous vote of those Commissioners present.

Commissioner Blayney made a motion, seconded by Commissioner Rountree to adopt resolution 2019-05 approving with conditions, CUP 2019-01 to construct a mixed-use project with 10 residential units, and 9,198 square feet of commercial space on two parcels of land, located on the southeast corner of draper and California streets in the City of Kingsburg. The motion carried by unanimous vote of those Commissioners present.

FUTURE ITEMS

Parcel Map Abe Wiebe

ADJOURN Commissioner Blayney made a motion, seconded by Commissioner Rountree to adjourn the Kingsburg Planning Commission meeting at 6:52PM. The motion carried by unanimous vote of those Commissioners present.

Submitted by

Mary Colby, Planning Secretary



Meeting Date: September 12, 2019

Agenda Item: 4

SITE PLAN REVIEW MEETING

REPORT TO: Kingsburg Planning Commission

REPORT FROM: Greg Collins, Contract Planner

REVIEWED BY:

MC

AGENDA ITEM: Time Extension, Tract Map No. 5073, AKS Enterprises

ACTION REQUESTED: ___Ordinance ___x___Resolution ___Motion ___
___Receive/File

Recommendation

That the Planning Commission pass Resolution 19 - approving a one-year extension of time for Subdivision Tract Map No. 5073, AKS Enterprises. Staff recommends that said tentative subdivision map, approved in July 17, 2017, by the Kingsburg City Council, be granted an extension of time as permitted by Section 66452.6 (e) of the State Subdivision Map Act, to October 17, 2020.

BACKGROUND

The Planning Commission passed a resolution in 2018 approving an extension of time for the Ghuman Subdivision, AKS Enterprises, Tract No. 5073. Staff in 2018 recommended that the Ghuman subdivision map, approved in 2005, by the Kingsburg Planning Commission, be granted a 12-month extension of time, as permitted by Section 66452.6 (e) of the State Subdivision Map Act, to October 17, 2019.

A vesting tentative subdivision map (Tract No. 5073) for 39 lots was approved by the Planning Commission and City Council in 2005. The current tract map is valid until October 17, 2019. The applicant is close to submitting a final subdivision but does not want to take the chance that the tentative map would lapse prior to the final map being recorded. Therefore, the applicant is requesting a second 12-

month extension of time on the current tentative subdivision map, which would extend the life of the map to October 17, 2020.

HISTORY

Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA, 93247, was approved for pre-zoning and a PUD (planned unit development) by the Kingsburg Planning Commission on 7/13/2017 on properties located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, containing approximately 13 acres; the subject territory has the following APNs: 393-270-03, 13, 14 and 15. Also, the Commission had noted that the applicant had a vesting tentative subdivision map (Tract No. 5073) for 39 lots.

In 2005, a negative declaration (ND) was approved by the Planning Commission and City Council for the "project" that included the annexation, pre-zoning, and a 39-lot tentative subdivision map for the subject property. It did not discuss the proposed PUD (planned unit development), however, the PUD and its associated conditions guides the design of the streetscape and home design and does not necessarily result in environmental impacts above and beyond what is posed by the annexation, rezoning and subdivision of the subject site. In other words, the ND discussed the impacts associated with the conversion of open space to a residential urban use.

A negative declaration is a finding that the project will not have a significant impact on the environment above and beyond the environmental impacts discussed in the EIR prepared on the North Kingsburg Specific Plan. The Plan's EIR was certified by the Kingsburg City Council and a "Statement of Overriding Consideration" was included and filed with the certified EIR.

RECOMMENDED ACTION BY PLANNING COMMISSION

Pass Resolution No. 2019 - approving a one-year extension of time for Tract No. 5073 as permitted by Section 66452.6 (e) of the State Subdivision Map Act to October 17, 2020.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>No</u> |
| 2. Is it Currently Budgeted? | <u>No</u> |
| 3. If Budgeted, Which Line? | <u>NA</u> |

PRIOR ACTION/REVIEW

The Planning Commission passed a resolution in 2018 approving an extension of time for the Ghuman Subdivision, AKS Enterprises, Tract No. 5073, to October 17, 2019.

ATTACHMENTS:

1. Resolution No. 2019 - granting a one-year time extension for Tract Map No. 5073
2. Tract Map No. 5073

Conclusion

Staff recommends that the Planning Commission approve Resolution 2019 - extending the expiration date of the Subdivision Tract Map No. 5073, AKS Enterprises, to October 17, 2020, as per the State Subdivision Map Act.

NOTES

- ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE CITY OF KINGSBURG AND SHALL INCLUDE SANITARY SEWER, DOMESTIC WATER, UNDERGROUND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, SIDEWALK, PERMANENT STREET PAVEMENT.
- THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE TO THE EXTENT FEASIBLE FOR FUTURE PASSIVE OF NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVES NON-RENEWABLE ENERGY RESOURCE.
- ALL STREET ADJACENT TO THE BOUNDARIES OF THIS SUBDIVISION HAVE BEEN PREVIOUSLY DEDICATED OR WILL BE DEDICATED FOR PUBLIC STREET OR ALLEY PURPOSES.
- THE MAJORITY OF THE PROPERTY IS CURRENTLY UNIMPROVED.
- NO WATER COURSES RUN THROUGH THE PROPERTY.
- PROJECT AREA IS NOT IN A FLOOD PRONE AREA PER FIRM MAP PANEL No. 2675, DATED FEB. 18, 2009.
- NO CUTS OR FILLS OVER 2 FEET ARE ANTICIPATED.
- THERE ARE SEVERAL ORNAMENTAL TREES ON-SITE THAT WILL BE REMOVED.
- THE SUBJECT SITE IS CURRENTLY VACANT/RESIDENTIAL.
- WATER TO BE PROVIDED BY THE CITY OF KINGSBURG
- SEWER DISPOSAL TO BE PROVIDED BY S.K.F. SANITATION.
- FOUR STRUCTURES TO BE REMOVED.

LEGEND

- P.U.E. PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
- INDICATES STREETS PREVIOUSLY DEDICATED FOR STREET PURPOSES FOR PUBLIC USE
- INDICATES AREA NOW DEDICATED FOR STREET PURPOSES

PHASES

- PHASE I (9 LOTS)
AREA = 145,275 SF OR 3.34 AC
- PHASE II (14 LOTS)
AREA = 220,359 SF OR 5.06 AC
- PHASE III (16 LOTS)
AREA = 197,232 SF OR 4.53 AC

APN: 393-270-12

A SINGLE-FAMILY RESIDENTIAL SUBDIVISION

PROPOSED USE
MEDIUM LOW DENSITY RESIDENTIAL

SOURCE OF WATER
CITY OF KINGSBURG

SOURCE OF SEWER DISPOSAL
S.K.F. SANITATION DISTRICT

SOURCE OF ELECTRICITY
P.G. & E.

SOURCE OF GAS
SOUTHERN CALIFORNIA GAS

SOURCE OF CABLE TV
COMCAST

SOURCE OF TELEPHONE
SBC COMMUNICATIONS

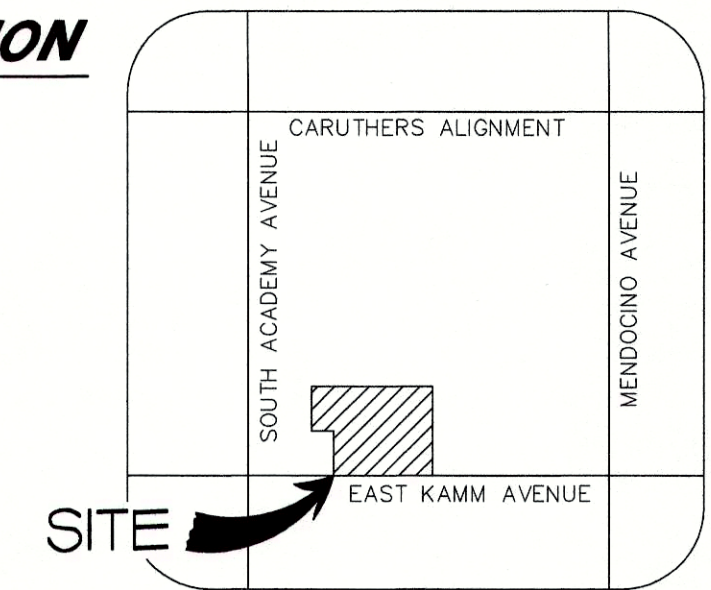
ASSESSOR'S PARCEL MAP
393-270-03, 13, 14 & 15

SITE AREA
12.93 AC (GROSS) 12.06 AC (NET)

NUMBER OF LOTS
39

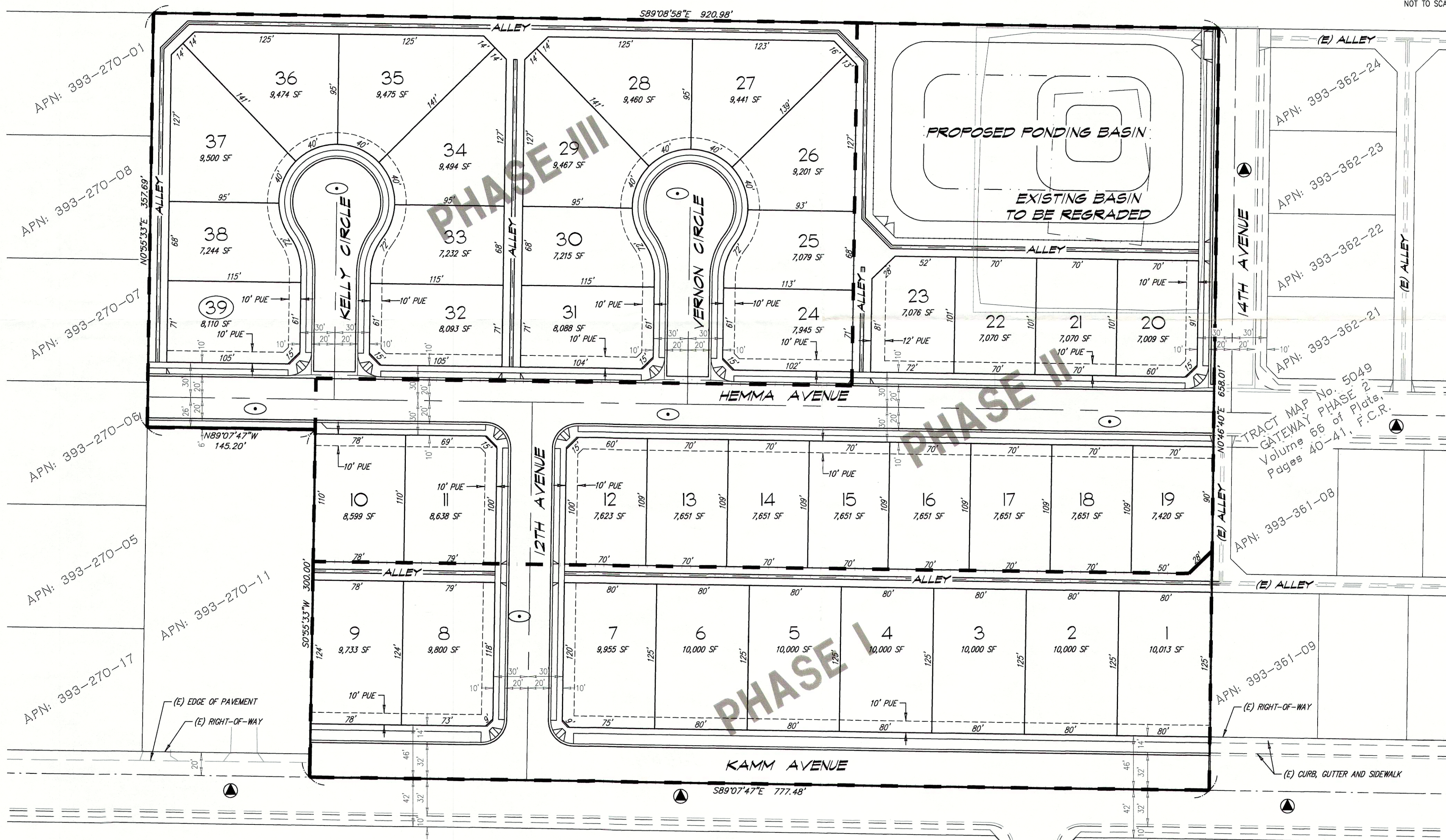
DENSITY
3.23 UNITS PER NET ACRE

MINIMUM LOT SIZE
7,009 SF



LOCATION MAP

NOT TO SCALE



TRACT MAP No. 4659 GOLDCREEK ESTATE
Book 59 of Plats,
Pages 29-30, F.C.R.

SCALE: 1" = 60'

VESTING TENTATIVE TRACT MAP NO. 5073

BEING A PORTION OF SECTION 14,
TOWNSHIP 16 SOUTH, RANGE 22 EAST,
MOUNT DIABLO BASE & MERIDIAN

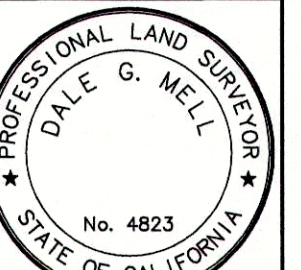
SITE LOCATION:
13220, 13084, 13148 & 13196 E. KAMM AVE
ASSESSOR'S PARCEL NO(S):
393-270-03, 13, 14 & 15

PREPARED FOR:

AKS ENTERPRISES, INC
12475 E. MAGNOLIA AVENUE
KINGSBURG, CA 93631

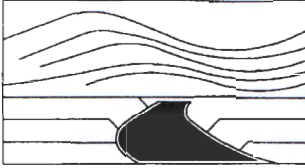
PREPARED BY:

DALE G. MELL
& ASSOCIATES
ENGINEERING & SURVEYING SERVICES
2050 NORTH LINCOLN AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 • FAX 559-292-0100 • EMAIL: STAFF@DALEG.MELL.COM



JOB # 15-091
DRAWN BY: J. LOR
CHECKED BY: DGM
SCALE: 1" = 60'
DATE: 02/16/17
DWG # 15-091TM
FIELD BOOK: 353
DATE OF SURVEY: 11/17/15
LAST REVISED:

SHEET 1 OF 1



DALE G. MELL & ASSOCIATES

ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

August 27, 2019

City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631

ATTN: Greg Collins

RE: Request for One-Year Extension on Tract Map 5073
DMA #15-091

Mr. Collins,

On behalf of our client, AKS Enterprises, Inc., we are hereby requesting a one-year time extension for Tract Map 5073 Final Map processing to complete agreements and obtain approvals.

Should you need additional information, feel free to contact our office.

Respectfully,

Sally Betting for

Dale G. Mell, PLS

DGM/sb

Cc: AKS Enterprises, Inc.
Dave Peters, City of Kingsburg Engineer
Mary Colby, City of Kingsburg

RESOLUTION NO. 2019 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG
APPROVING A ONE-YEAR EXTENSION OF TIME FOR SUBDIVISION TRACT NO. 5073**

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on September 12, 2019, the application of Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA, 93247, for a one-year time extension for Tract No. 5073 located on 13 acres located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, and

WHEREAS, the Assessor's Parcel Numbers (APNs) for the subject properties are APN 393-270-03 (42,432 square feet), 393-270-13 (3.57 acres), 393-270-14 (2.97 acres) and 393-270-15 (4.94 acres), and

WHEREAS, the Kingsburg Planning Commission did conduct a public meeting, accepting written and oral testimony both for and against the approval of a one-year extension of Tract No. 5073,

WHEREAS, a tentative subdivision map for the Ghuman Subdivision was approved by the Kingsburg Planning Commission in 2007, and

WHEREAS, the approval of said tentative map will expired on October 17, 2018, and

WHEREAS, the Kingsburg Planning Commission at their November 8, 2018, granted a one-year extension for Tract Map No, 5073 consistent with Section 66452.6 (e) of the Map Act, and

WHEREAS, the applicant, AKS Enterprises, is requesting a second one-year extension for Tract Map No. 5073, and

WHEREAS, the Commission reviewed the staff report on this one-year time extension on Tract Map No. 5073.

NOW, THEREFORE BE IT RESOLVED that the Kingsburg Planning Commission hereby grants a one-year time extension for the filing of a final map for Tract No. 5073, which will terminate on October 17, 2020.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 12th day of September 2019, by the following vote:

Ayes:	Commissioners:
Noes:	Commissioners:
Absent:	Commissioners:
Abstain:	Commissioners:

Mary E. Colby,
Planning Commission Secretary
City of Kingsburg



Meeting Date: 8-12-2018
Agenda Item: 5

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission

REPORT FROM: Greg Collins, Contract Planner

REVIEWED BY: MC

AGENDA ITEM: Wiebe, Parcel Map 2019-01

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☒ Motion ☐ Receive/File

EXECUTIVE SUMMARY

The applicant, Wiebe, is requesting approval of a parcel map to divide 12.61 acres into four parcels: Parcel 1, 5.94 acres; Parcel 2, 1.33 acres; Parcel 3, 1.85 acres; and Parcel 4, 3.48 acres. The subject property is located on the west side of Simpson Street approximately 320 feet south of the Simpson/Stroud intersection. Primary access to the four proposed lots is from an existing private drive that intersects with Simpson Street. The applicant is wishing to create four parcels so that three new buildings can be constructed on the subject property and that a fourth parcel which contains two existing buildings, can also be divided off from the current parcel.

The subject property is zoned industrial. Two buildings currently exist on the property. Parking and all infrastructure (sewer, water and storm drainage) has been installed around and to these buildings. This infrastructure has also been installed to the balance of the property, which is currently vacant.

The subject property is located on the southwest corner of Simpson Street and Stroud Avenue. The general area is situated in the northwest quadrant of the city.

Access to the four proposed parcels will be from Stroud Avenue and Simpson Street. There exists an interior roadway that will serve all the proposed parcels. Installed within this internal street are sewer and water lines. The subject site has been graded to divert storm water runoff to an existing storm drainage pond located in the northwest corner of the subject property. Because new lots (and new buildings) are being created from an existing large parcel, the developer will be required to install new hookup services for each newly created lot (e.g. sewer, water, water meter, gas, etc.).

Staff finds that the development standards for Kingsburg's industrial district requires neither a minimum parcel size, minimum lot width, or lot depth dimensions.

Staff is recommending approval of Parcel Map 2019-01 subject to conditions as follows:

1. The applicant shall submit a final parcel map for review by the city engineer and city planner.

-
2. The applicant shall pay all appropriate fees when the final map is submitted for review and approval.
 3. The applicant shall comply with the city engineer's conditions of approval (see Exhibit B).

RECOMMENDED ACTION BY PLANNING COMMISSION

Pass Resolution No. 2019 – approving Parcel Map 2019-01 subject to conditions.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>No</u> |
| 2. Is it Currently Budgeted? | <u>NA</u> |
| 3. If Budgeted, Which Line? | <u>NA</u> |

PRIOR ACTION/REVIEW

A site plan permit was approved for the subject in 2005 but has since expired. The applicant is now ready to proceed with the construction of three new building on the site subsequent to the approval of a tentative and final parcel map, and the recording the final parcel map.

BACKGROUND

Applicant: Abe Wiebe

Engineer: Precision, Civil Engineering
1234 O Street
Fresno, Ca. 93221

Location: The subject property is located on the southwest corner of Stroud Avenue and Simpson Street in Kingsburg, containing approximately 12.6 acres. The subject property is contained in APN 394-043-14. The subject property contains two industrial building with associated off-street parking.

Application: The applicant is requesting approval of a parcel map to create four parcels of land: Parcel 1, 5.94 acres (contains two existing building with off-street parking); Parcel 2, 3.48 acres (is planned for a 58,327 square foot building); Parcel 3, 1.85 acres (is planned for a 31,343 square foot building) and Parcel 4, 1.33 acres (is planned for a 15,683 square foot building).

Zoning: The subject site is zoned Industrial. The type and size of parcels being proposed are consistent with the Kingsburg industrial zone.

General Plan: The subject site is designated industrial by the Kingsburg General Plan.

Infrastructure: Sewer, water and storm drainage facilities are available to the subject property. Storm drainage and water will be provided by the city of Kingsburg and sewer will be provided by SKF (Selma-Kingsburg-Fowler Sanitation District).

Requests:

Tentative Parcel Map, 2019-01

The proposed parcel map will create four industrial parcels ranging in size from 1.33 acres up to 5.94 acres. The development of these parcels will be constructed in a single phase given that many of the off-site improvements have already be installed.

Environmental Review:

The "project" is categorically exempt under CEQA.

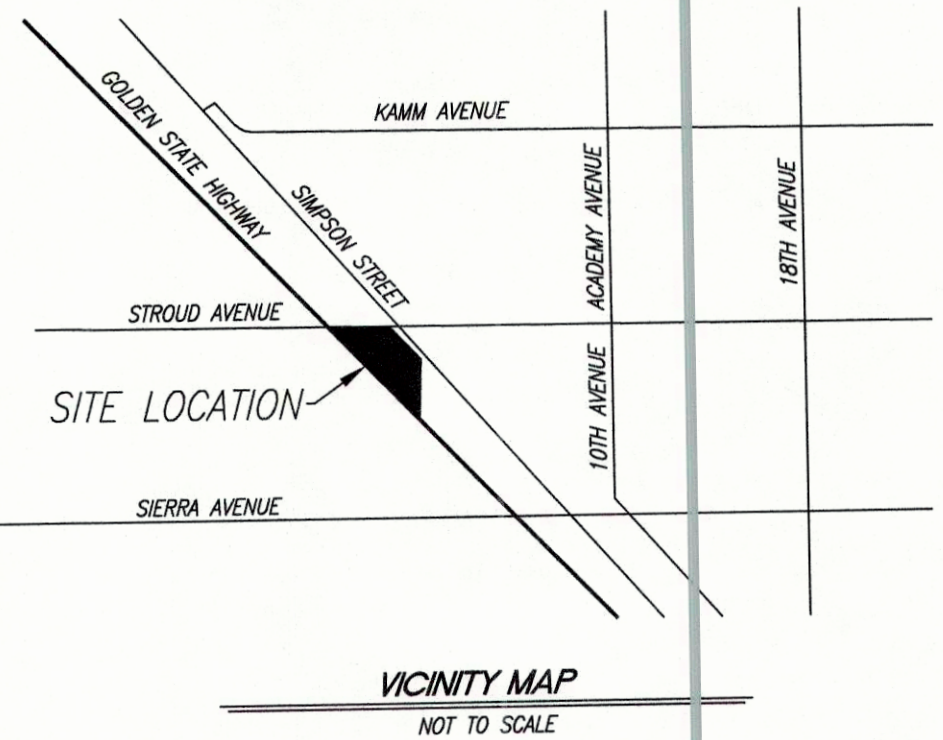
EXHIBITS:

- A. Parcel Map 2019-01 (Exhibit A)
- B. City Engineer's Conditions of Approval (Exhibit B)
- C. Resolution No. 2019 – , approving Parcel Map 2019-01 subject to conditions.

TENTATIVE PARCEL MAP NO. 2019-

IN THE CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA
BY PRECISION CIVIL ENGINEERING, INC.
SHEET ONE OF ONE

EXHIBIT A



SITE INFORMATION

LAND USE	ASSESSOR'S PARCEL NUMBERS
EXISTING: HIGHWAY COMMERCIAL PROPOSED: HIGHWAY COMMERCIAL	394-043-11
ZONING	SITE LOCATION
EXISTING: CH PROPOSED: CH	2491 SIMPSON STREET KINGSBURG, CA 93631
SITE AREA	OWNER
GROSS AREA = ±12.6 ACRES PARCEL 1 = ±5.94 ACRES PARCEL 2 = ±1.33 ACRES PARCEL 3 = ±1.85 ACRES PARCEL 4 = ±3.48 ACRES	ABE WIEBE 2491 SIMPSON STREET KINGSBURG, CA 93631
NUMBER OF PARCELS	SUBDIVIDER
4	ABE WIEBE 2491 SIMPSON STREET KINGSBURG, CA 93631
SOURCE OF WATER	SOURCE OF SEWAGE DISPOSAL
CITY OF KINGSBURG	CITY OF KINGSBURG

EASEMENTS

(A) PUBLIC STREET EASEMENT DOC. NO. 2008-0089265	(C) WATER MAIN EASEMENT DOC. NO. 2008-0089268, ORFC
(B) FLOOD BASIN EASEMENT DOC. NO. 2008-0089267 ORFC	(D) PG&E EASEMENT DOC. NO. 2008-0060180

NOTES

1. COMMERCIAL USE INTENDED ON ALL LOTS OF THE PROPOSED LAND.
2. ALL BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY ZONING CODES.
3. EACH INDIVIDUAL PAD SHALL SUBMIT FOR A BUILDING PERMIT.
4. THE PROPOSED PROJECT WILL NOT BE PHASED.
5. NO EXISTING TREES ARE IN THE SUBJECT PROPERTY.
6. NO GRADE DIFFERENCES OF 6" OR MORE EXIST ADJACENT TO THE PROPERTY.
7. NO CANALS OR PRIVATE DITCHES EXIST ON SUBJECT PROPERTY.

LEGEND

—	EXISTING BOUNDARY LINE
- - -	PROPOSED PROPERTY LINE
- - -	EXISTING PROPERTY LINE
- - -	EXISTING EASEMENT LINE
- - -	SECTION LINE
- - -	CENTERLINE
- - -	EXISTING 6" SANITARY SEWER
- - -	EXISTING IMPROVEMENTS
- - -	PROPOSED IMPROVEMENT
▲▲▲▲▲	RIGHTS OF ACCESS PREVIOUSLY RELINQUISHED

LEGAL DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF FRESNO, CITY OF KINGSBURG, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:
THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHWEST QUARTER WITH THE SOUTHWESTERLY LINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY BETWEEN 0.4 MILE SOUTH OF KINGSBURG AND SELMA, ROAD VI-FRE-4-A, SAID INTERSECTION BEARING NORTH 89° 28' 55" WEST, A DISTANCE OF 381.40 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 22; THENCE NORTH 89° 28' 55" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 115.00 FEET; THENCE SOUTH 00° 31' 05" WEST, PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 216.00 FEET; THENCE SOUTH 89° 28' 55" EAST, PARALLEL TO SAID NORTH LINE, A DISTANCE OF 306.89 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY LINE OF SAID DEPARTMENT OF PUBLIC WORKS' SURVEY; THENCE NORTH 41° 28' WEST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 288.79 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:
BEGINNING AT THE CENTER OF SECTION 22, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF; THENCE RUNNING WEST ALONG THE HALF SECTION LINE A DISTANCE OF 8.754 CHAINS; THENCE AT RIGHT ANGLES SOUTH A DISTANCE OF 20 CHAINS; THENCE AT RIGHT ANGLES EAST A DISTANCE OF 9.754 CHAINS; THENCE AT RIGHT ANGLES NORTH A DISTANCE OF 20 CHAINS TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION OF THE SOUTHWEST QUARTER OF SAID SECTION 22, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 140 FEET WIDE LYING BETWEEN LINES DISTANT 59.5 FEET NORTHEASTERLY AND 80.5 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES FROM THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 22 WITH THE CENTER LINE OF THE DEPARTMENTS OF PUBLIC WORKS' SURVEY BETWEEN 0.4 MILE SOUTH OF KINGSBURG AND SELMA, ROAD VI-FRE-4-A, SAID INTERSECTION BEARING SOUTH 89° 28' 55" WEST, A DISTANCE OF 381.40 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 22; BEING ENGINEER'S STATION 27 PLUS 10.78 OF SAID SURVEY; THENCE SOUTH 41° 28' EAST 412.29 FEET ALONG SAID CENTER LINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 22; THENCE SAID STRIP OF LAND TO BE PROLONGED OR SHORTENED SO AS TO BEGIN IN SAID NORTH LINE AND END IN SAID EAST LINE; HERETOFORE CONVEYED TO THE STATE OF CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE (1) ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, NORTH 0° 31' 00" EAST, 196.91 FEET; THENCE (2) NORTH 46° 24' 00" WEST, 316.26 FEET; THENCE (3) ALONG A LINE PARALLEL WITH AND 88 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY FROM TULARE COUNTY LINE TO VENTURA STREET IN FRESNO, ROAD VI-FRE-4-A, NORTH 44° 41' 00" WEST 581.73 FEET TO THE EAST LINE OF THE LAND DESCRIBED IN THE OUTCLAIM DEED AND AGREEMENT TO ADJUV LINES, RECORDED JANUARY 16, 1968 IN BOOK 3709 PAGE 113, DOCUMENT NO. 3380, FRESNO COUNTY OFFICIAL RECORDS; THENCE (4) ALONG SAID EAST LINE, SOUTH 0° 31' 00" WEST, 822.55 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE (5) ALONG SAID SOUTH LINE, SOUTH 89° 27' 29" EAST, 643.76 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, LYING EASTERLY OF THE NORTHEAST BOUNDARY OF THE SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTHWEST QUARTER WITH THE SOUTHWESTERLY LINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY BETWEEN 0.4 MILE SOUTH OF KINGSBURG AND SELMA, ROAD VI-FRE-4-A, SAID INTERSECTION BEARING NORTH 89° 28' 55" WEST, A DISTANCE OF 381.40 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 22; THENCE NORTH 89° 28' 55" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 115.00 FEET; THENCE SOUTH 00° 31' 05" WEST, PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 216.00 FEET; THENCE SOUTH 89° 28' 55" EAST, PARALLEL TO SAID NORTH LINE, A DISTANCE OF 306.89 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY LINE OF SAID DEPARTMENT OF PUBLIC WORKS' SURVEY; THENCE NORTH 41° 28' WEST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 288.79 FEET TO THE POINT OF BEGINNING.

PARCEL THREE:
THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE LAND DESCRIBED IN THE DEED TO CHESTER D. WESTERLING, ET UX, RECORDED MAY 26, 1946 IN BOOK 2387 PAGE 272, DOCUMENT NO. 40053, FRESNO COUNTY OFFICIAL RECORDS, SAID NORTHWEST CORNER BEARS SOUTH 89° 28' 55" EAST, 2049.15 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE (1) ALONG THE WEST LINE OF THE LAND DESCRIBED IN SAID DEED, SOUTH 0° 31' 00" WEST, 486.65 FEET; THENCE, ALONG A LINE PARALLEL WITH AND 88 FEET NORTHEASTERLY, MEASURED RADIALLY AND AT RIGHT ANGLES FROM THE CENTERLINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY FROM THE TULARE COUNTY LINE TO VENTURA STREET IN FRESNO, ROAD VI-FRE-4-A, THE FOLLOWING COURSES: (2) NORTH 44° 41' 00" WEST, 231.82 FEET AND (3) NORTHEASTERLY ALONG A TANGENT CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 24912 FEET, THROUGH AN ANGLE OF 0° 41' 37", AN ARC DISTANCE OF 301.58 FEET; THENCE (4) ALONG A NONTANGENT LINE, NORTH 60° 11' 05" EAST, 202.89 FEET; THENCE (5) NORTH 0° 31' 05" EAST, 20.00 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; (6) ALONG SAID NORTH LINE, SOUTH 89° 28' 55" EAST, 201.43 FEET TO THE POINT OF BEGINNING.

APN: 394-043-14

SCALE 1" = 60'

PREPARED BY:

PRECISION
CIVIL ENGINEERING, INC.

1234 D STREET
FRESNO, CA 93721
(558) 449-1500 FAX: (558) 449-4500

JOB NO. 19-119

MEMORANDUM

DATE: AUGUST 26, 2019
TO: GREG COLLINS, PLANNING DIRECTOR
FROM: DAVID PETERS, CITY ENGINEER
RE: TPM 2019-XX (ABE WIEBE)

INTRODUCTION

The Applicant, Abe Wiebe, has submitted a tentative parcel map for consideration. The map proposes to divide approximately 12.6 acres at the corner of Simpson Street and Stroud Avenue into four parcels ranging from 1.33 acres to 5.94 acres in size. The division of this parcel is to facilitate development of three additional industrial buildings on the parcels. The infrastructure surrounding the proposed parcel is mostly developed, but may require improvements to comply with current standards. Utilities are adjacent to the undivided parcel.

RECOMMENDATION

Following are the recommended conditions of approval for the tentative map:

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. The applicant shall pay all fees as required by existing ordinances and schedules.
3. A right to farm covenant shall be recorded prior to recordation of the final map.
4. All lots shall be provided with separate domestic, landscape, and fire water service and associated backflow and water meters per City Improvement Standards.
5. All lots shall be provided with a minimum 4" sewer service subject to SKF standards and approval.
6. Applicant shall develop through access within the developments for the movement of vehicles through the parcels. All parcels shall dedicate cross-access agreements to facilitate these movements and shall be granted at the time of recordation of the Final Map.
7. Applicant shall develop pedestrian access through the divided parcels and extending through the development. Any cross-access agreements to facilitate these movements shall be granted at the time of recordation of the Final Map.
8. Development of individual parcels shall be individually conditioned and approved through the City's Site Plan Review Process.

Final Map:

1. All existing easements shall be shown on the Final Map.
2. The final map shall be submitted to the City Engineer for review and approval.
3. Applicant shall pay all applicable fees and provide all necessary documentation to facilitate the recordation of the Final Map by the City Engineer.
4. All City and County requirements pertaining to acceptance and recordation of the Final Map shall be met by the Applicant.

RESOLUTION 19 -

A RESOLUTION OF THE CITY OF KINGSBURG PLANNING COMMISSION APPROVING PARCEL MAP 2019-01, ABE WIEBE

WHEREAS, the applicant, Abe Wiebe, is requesting approval of a parcel map to divide 12.6 acres into four parcels: Parcel 1, 5.94 acres; Parcel 2, 1.33 acres; Parcel 3, 1.85 acres; and Parcel 4, 3.48 acres (see Exhibit A), and

WHEREAS, the subject property is located on the west side of Simpson Street approximately 320 feet south of the Simpson/Stroud intersection, and

WHEREAS, primary access to the four proposed parcel is from an existing private drive that intersects with Simpson Street and Stroud Avenue, which forms the northern border of the subject property, and

WHEREAS, the applicant is wishing to create four parcels so that three new building can be constructed on the subject property and that a fourth parcel, which contains two existing buildings, can also be divided off from the current parcel and

WHEREAS, the subject property is zoned industrial and parking and infrastructure (sewer, water and storm drainage) has been installed within the subject property, and

WHEREAS, the subject property is a part of Kingsburg's industrial park that is situated along the east side of State Highway 99 in the northwest quadrant of Kingsburg proper, and

WHEREAS, the proposed request has been processed consistent with the Kingsburg Subdivision Ordinance, and

WHEREAS, the Subdivision Review Committee has reviewed the proposed parcel map and has determined that it is consistent with the requirements of the Industrial zone, and

WHEREAS, upon review of the proposed project the Subdivision Review Committee has recommended approval of Parcel Map 2019-01 subject to conditions, and

WHEREAS, the Planning Department has prepared a staff memo on the project and determined that the project is consistent with the development standards of the Industrial district, and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. The project is exempt from the California Environmental Quality Act because it is not considered to be a "project" under CEQA.
2. The proposed use is consistent with the Kingsburg General Plan, Land Use Element.
3. The project will not have an adverse impact on the health, safety or welfare of the community or immediate neighborhood.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Parcel Map 2019-01, Wiebe, subject to the following conditions.

1. The applicant shall submit a final parcel map for review by the city engineer and city planner.
2. The applicant shall pay all appropriate fees when the final map is submitted for review and approval.
3. The applicant shall comply with the city engineer's conditions of approval (see Exhibit B).

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission on the 12th day of September 2019, by the following vote:

AYES: Commissioner
NOES: Commissioner
ABSTAIN: Commissioner
ABSENT: Commissioner

Mary E. Colby
Planning Commission Secretary, City of Kingsburg



Meeting Date: 9/12/2019
Agenda Item: 6

KINGSBURG PLANNING COMMISSION STAFF REPORT

REPORT TO: Kingsburg Planning Commission

REPORT FROM: Greg Collins, Contract City Planner

REVIEWED BY:

MC

AGENDA ITEM: 6

SUBJECT: Conditional Use Permit No. 2019-01 (Efrain Yanez) - an application to allow the construction of a mixed-use (commercial and residential) project located at the southeast corner of Draper and California Streets – 1300 Draper Street & 1454 California Street (APNs 396-091-01 & 396-091-17)

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☐ Motion ☐ Receive/File

EXECUTIVE SUMMARY

The applicant has submitted a Conditional Use Permit (C.U.P.) to construct a mixed-use commercial and residential project located at the southeast corner of Draper and California Streets. Under Kingsburg's Form Based Code, a CUP is required for the residential component of this project.

RECOMMENDED ACTION BY PLANNING COMMISSION

1. Approve the finding of categorical exemption for Conditional Use Permit 2019-01 under California Environmental Quality Act Guideline Section 15332 – In-fill site within the City of less than 5 acres consistent with the guidelines for Class 32, Section 15332,
2. Approve a resolution approving Conditional Use Permit 2019-01, allowing the construction of a mixed-use commercial and residential project located at the southeast corner of Draper and California Streets.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|--------|
| 1. Is There A Fiscal Impact? | Yes/No |
| 2. Is it Currently Budgeted? | Yes/No |
| 3. If Budgeted, Which Line? | Yes/No |

BACKGROUND

The applicant is requesting approval of a conditional use permit to construct a mixed-use commercial and residential project located on the southeast corner of Draper and California Streets in downtown Kingsburg. The project is comprised of two parcels, the corner parcel is vacant as a result of a fire. The second parcel is just south of the corner site and contains a 1,000 square foot building which is planned to remain and is currently occupied by Kingsburg Chiropractic. Map 1 shows the site location on an aerial photo.



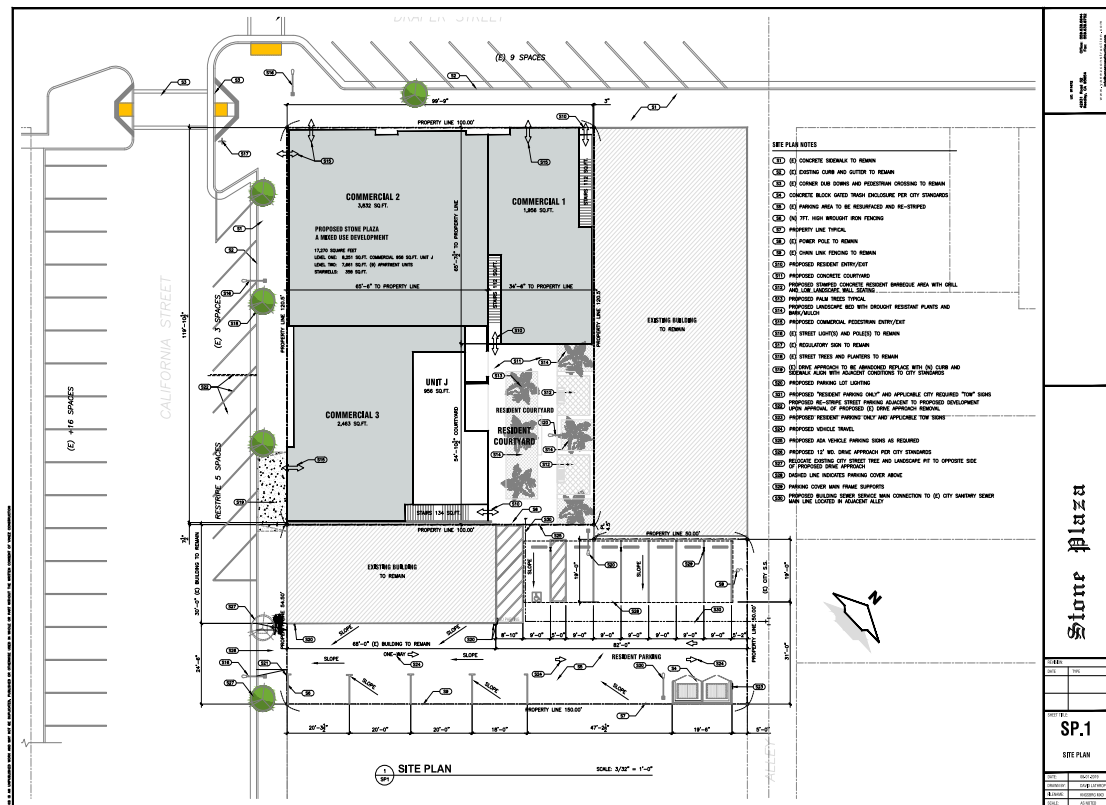
The site is zoned FBC-3 (Downtown Form Based Code). The FBC zone was applied to properties throughout the downtown in 2015 to better foster the desired character of downtown as a pedestrian-oriented shopping and residential district in the City. Mixed-use buildings (including residential units) are strongly encouraged, to promote activity and extend the hours of street life of the downtown. The site is also within the Highway 99 Beautification Overlay area, however there is no features of the project that trigger compliance with this zone.

On July 9, 2019, the Site Plan Review Committee held a meeting to review Site Plan 2019-06, a mixed-use project consisting of 10 residential units and 9,198 sq. ft. of retail space. The proposed project includes a parking lot on the south side of the site with access to the alley that stems from California Street. The building will be two-story with the first floor being for commercial uses and the second story for residential use (10 residential units).

Site Plan

The proposed building will be located on the corner as shown in Figure 1 – Site Plan. The corner parcel is currently vacant as the result of a fire. It will be a two-story structure with 9,198 sq. ft. of commercial space on the ground floor and 10 residential units on the second floor. Parking will be located at the rear of the building just off a one-way alley. Parking stalls will be for the primary use of the residents on the second floor of the complex.

Figure No. 1



First Floor – Commercial & Residential

Figure 1 shows the three main commercial tenant spaces on the first floor. Commercial Space 1 is 1,933 sq. ft. with frontage on Draper Street, Commercial Space 2 is 3,832 sq. ft. with frontage on both Draper and California Streets, and Commercial Space 3 is 2,433 sq. ft. with frontage on California Street. These tenant spaces could be further divided or combined based upon demand.

There is one residential unit on the first floor, which will be an ADA accessible unit with two bedrooms and access to an ADA parking stall in the adjacent parking lot. There are three external stairwells providing access to the residential units on the second floor. One of the stairwells is accessed from Draper Street with a recessed security door. In the southeast corner of the site is a resident courtyard for the exclusive use of the residents. The courtyard would be separated from the parking lot by a 7-foot high wrought iron fence with a security gate.

Second Floor – Residential

Figure 1 shows nine residential units on the second floor. Eight of the units are two-bedroom with one being a three-bedroom unit. The units are accessed off a common hallway that provides access to all the stairwells. All the units have external balconies and windows to the adjacent street or courtyard.

Building Elevations

The elevations in Figure 2 illustrate the public street frontages along Draper and California Streets. The site is within the Central Commercial zone and Zone 3 of the Form Based Code area. The elevations include Swedish architectural designs consistent with the code requirements. Staff will continue to work with the applicant on the elevations for additional Swedish design enhancements, which may result in minor alterations to those included in the staff report.

Figure No. 2



Parking

The Zoning Ordinance requires one space per residential unit for mixed use projects, and no parking for commercial areas under 5,000 sq. ft. The Form Based Code allows for the use of adjacent lots to help satisfy mixed-use parking needs. Staff is recommending that the project include one dedicated parking stall per unit (10 stalls) to reduce the potential impacts to the primary commercial parking along Draper Street.

The parking lot to the rear of the building is currently intended to be a private lot with 11 parking stalls as shown on the Site Plan in Figure 1. The applicant and City are reviewing opportunities to reconfigure the parking area to accommodate additional stalls and/or enhance the overall function of the parking area. Staff has included language in the conditions of approval allowing for minor changes if they are consistent with Planning Commission approval of this use permit and approved by City staff.

The opening of the access point to California Street may eliminate two on-street parking stalls which would be replaced by the closure of the unused access point on California Street just north of the existing building. Staff is also recommending a minor variation in the parking stalls, allowing a reduction in width from 10 feet to nine feet. As a private parking lot, the users will be familiar with the size and configuration reducing potential conflicts. This reduction in width allows for maximizing the number of parking stalls in the parking lot area.

The existing commercial building, Kingsburg Chiropractic, does not have any on-site parking and would continue to use adjacent public parking on the street and the lot along the railroad tracks across California Street.

The proposed access point on California Street is to be one-way into the parking area from California Street. Parking will be arranged along this one-way lane.

Building Code Requirements

The proposed project must comply with the Uniform Building Code and associated codes, including the Americans with Disabilities Act (ADA). The Fire Code will require the residential units be sprinklered. Finally, the building code requires a Title 24 energy efficiency analysis.

Conditional Use Permit Findings

To approve a conditional use permit the Zoning Ordinance requires the Planning Commission to make three findings. These findings and an analysis of each are as follows:

- A. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.*

Analysis: The FBC zone requires a Conditional Use Permit be processed for the establishment of residential uses in this zone. The CUP process allows for increased scrutiny, public notification and review of a proposed use. Mixed use development is a relatively "new" and untested use in downtown Kingsburg and such review is warranted.

- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance codified in this title and the purposes of the district in which the site is located.*

Analysis: The addition of mixed-use residential development will be beneficial to downtown Kingsburg by introducing residents who can live and shop in the downtown. Further, it may stimulate the use of other buildings in the downtown that have a second story.

- C. That the proposed use will comply with each of the applicable provisions of this title.*

Analysis: The proposed mixed-use as designed will comply with requirements of the FBC zone, including use, setbacks, building height, and parking, among others.

CONCLUSION:

The project has been reviewed by City staff including Public Works, Engineering, Police and Fire Departments, who have contributed conditions of approval listed in the attached resolution. With these conditions staff is recommending approval of the project.

ENVIRONMENTAL REVIEW:

Staff has determined the project is exempt from environmental review under Section 15332. In-fill site within the City of less than 5 acres consistent with the guidelines for Class 32, Section 15332, for Conditional Use Permit 2019-01. There is no aspect of the project that may be reasonably expected to have a significant impact on the environment.

ATTACHED INFORMATION

1. Site Plan and Elevations for Stone Plaza
2. Planning Commission Resolution

BACKGROUND INFORMATION

Applicant/ Owner: Efrain Yanez
42931 Road 52
Reedley, CA 93654

Agent NA

Location: The subject site is located on the southeast corner of Draper and California Streets. The Assessor Parcel Numbers are 396-091-01 & 396-091-17.

Request: The applicant is requesting approval to construct a mixed-use commercial and residential project located at the southeast corner of Draper and California Streets.

Site: The subject site is comprised of two parcels; the corner parcel is vacant as a result of a fire. The second parcel is just south of the corner and contains a 1,000 sq. ft. building which is planned to remain and is currently occupied by Kingsburg Chiropractic.

Surrounding land uses are as follows:

North: Commercial buildings
South: Commercial building with parking lot
East: Commercial building
West: Public Parking and Rail-Road Tracks

Zone: The site is zoned FBC-3 (Main Street (Downtown Form Based Code - zone 3)) and is also within the Highway 99 Beautification overlay zone area. This zone contains a number of standards that apply to new development, including:

Build-To Lines (BTL):

Front: 0 feet (building must meet public right-of-way). Connection of building to right- of-way must be 100% across the width of the lot for lots less than 50 feet wide; 75% across the width of the lot for lots more than 50 feet wide. Connection of building to side street property line must be 50% of the width of the boundary.

Side: 0 feet

Rear: Adjacent to T5 Zones: 0' Adjacent to all other zones: 5' Adjacent to Alley: 5'

Building Height:

- 20 feet, minimum; 3 stories, maximum (4 stories permitted for affordable, senior housing or LEED certified buildings)
- Ground floor finish level: 6" above sidewalk, maximum
- Ground floor ceiling: 12', minimum
- Upper floors ceiling: 8'-6" minimum for residential
- Within 20' of rear property line buildings may not be more than a half story taller than the permitted height of adjacent buildings.

Building footprint:

- Depth (ground floor space)
- Commercial, Front: 50' minimum
- Commercial, Side Street: 30' minimum

Distance between entries:

- To ground floor: 50', maximum
- To upper floor(s): 100' maximum. Note: All upper floors must have a primary entrance along the front.

Parking: Residential uses: 1 space per unit, maximum – waived in the CC Zone FBC 3

Surrounding zone classifications are as follows:

North: FBC 3 (Downtown Form Based Code zone 3) + Highway 99 Beautification overlay zone
South: FBC 3 (Downtown Form Based Code zone 3) + Highway 99 Beautification overlay zone
West: FBC 3 (Downtown Form Based Code zone 3) + Highway 99 Beautification overlay zone
East: FBC 3 (Downtown Form Based Code zone 3) + Highway 99 Beautification overlay zone

General Plan: The subject site is currently designated “Central Commercial” by the Land Use Element of the Kingsburg General Plan. Further, the site is within the Highway 99 Beautification designation area.

Access: Access to the site is provided from three directions. The building fronts onto Draper and California Streets, with alley access to the south. Draper and California Streets have one travel lane in each direction and diagonal on-street parking. The parking lot has access to California Street and the alley. The alley is paved and provides access north to Draper Street and south to Lewis Street.

Infrastructure: The site is served by City water, sewer and storm drain lines under existing streets around the project.

Services: Police and fire protection are provided by the City of Kingsburg.

Environmental: The project is categorically exempt from review under the Guidelines of the California Environmental Quality Act per Section 15332. Infill site of less than 5 acres.

PRIOR ACTION/REVIEW

The applicant has completed site plan review and is seeking formal approval from the Commission.

RESOLUTION NO. 2019-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT (CUP) 2019-01 TO CONSTRUCT A MIXED-USE PROJECT WITH 10 RESIDENTIAL UNITS, AND 9,198 SQUARE FEET OF COMMERCIAL SPACE ON TWO PARCELS OF LAND, LOCATED ON THE SOUTHEAST CORNER OF DRAPER AND CALIFORNIA STREETS, CITY OF KINGSBURG

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on August 8, 2019 and September 12, 2019, the application of Mr. Efrain Yanez for a Conditional Use Permit (CUP) to construct a mixed-use project with 10 residential units and 9,198 square feet of commercial development on two parcels of land located on the southeast corner of Draper and California Streets in Kingsburg, APN's 396-091-01 & 396-091-17; and

WHEREAS, the Kingsburg Planning Commission did conduct a duly noticed public hearing, accepting written and oral testimony both for and against on August 8, 2019; and

WHEREAS, the Kingsburg Planning Commission received and reviewed a staff report from the Kingsburg Planning Department, and

WHEREAS, The Kingsburg Planning Commission finds that the proposed conditional use permit, subject to conditions is in accordance with Chapter 17.68 of the Zoning Ordinance of the City of Kingsburg; and

WHEREAS, the Planning Commission also finds that the conditions imposed on Conditional Use Permit 2019-01 will protect and preserve the public health, safety and welfare in the immediate neighborhood in the community as a whole; and

WHEREAS, the Kingsburg Planning Commission has determined that the project is categorically exempt consistent with the California Environmental Quality Act (CEQA).

NOW THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission determined that the following findings can be made as required by Section 17.68.070 of the Kingsburg Municipal Code:

A. That there are circumstances or conditions applicable to the land,

structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a private property right.

- B. That the proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.
- C. That the proposed use will comply with each of the applicable provisions of this ordinance.
- D. That the project is considered Categorically Exempt under Section 15332 - In-Fill Class 32 of the Guidelines for the implementation of the California Environmental Quality Act.
- E. The proposed project is consistent with the Kingsburg General Plan as well as the Kingsburg Form Based Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Kingsburg Planning Commission hereby approves Conditional Use Permit 2019-01 subject to the following general conditions and Conditions of Approval as follows:

General:

- 1. That all proposals of the applicant are conditions of approval, except as modified below, and subject to modifications to conform to applicable City Standards.
- 2. That the conditions of approval contained herein be met subject to minor modifications as may specified in the conditions.
- 3. That the applicant pays all fees as required by the Kingsburg Municipal Code and all current City ordinances, resolutions and schedules.
- 4. That the final design of the site plan and building, with changes incorporating the conditions of approval as shown in "Attachment A" be submitted to the Site Plan Review Committee or Planning Director for approval prior to the issuance of any building permit.

Conditions of Approval:

- 1. The building elevations in the attachments may be modified to provide additional enhancements to be consistent with the architectural standards per Kingsburg's Form Based Code 3, and Swedish Architectural Designs standards.

2. The applicant shall submit a grading and drainage plan to the city engineer for review and approval. Further, the alley adjacent to the subject site shall be reconstructed consistent with city of Kingsburg's improvement manual standards.
3. The applicant shall secure a permit to connect to SKF consistent with the district's improvement standards. The applicant shall pay all necessary fees and charges. The applicant shall comply with the following specific conditions:
 - a. submit floor and plumbing plans for each building for sewer evaluation;
 - b. install sanitary sewer laterals with clean outs and box to each proposed building;
 - c. each building shall be metered separately from the landscaping system; and
 - d. the applicant shall complete and submit both commercial and multi-family residential sewer connection applications to SKF.
 - e. the existing sewer main is in the alley and not accessible to service this building. No sewer service laterals shall be constructed under an existing building on a different parcel.
 - f. install an 8" sewer main in Draper Street with 6" minimum sewer service laterals to the multi-use building w/cleanout & box at the property line. Submit plans for review and approval.
 - g. food service establishments will require a minimum 40-lbs grease traps and restaurants will require at a minimum a 1,500 gallon grease interceptor.
 - h. abandon existing sewer service lateral(s).
4. The applicant shall secure a building permit from the City of Kingsburg and shall pay all building and development impact fees prior to occupancy.
5. The City Planner/Engineer shall review and approve a landscaping and irrigation plan for the project. Said landscaping and irrigation shall be installed prior to occupancy and shall be compliant with AB 1881 requirements for low water / drought tolerant planting and irrigation
6. The applicant shall install driveways, gutters and sidewalks consistent with Kingsburg's Improvement Standards Manual.

7. The applicant shall install parking lot improvements consistent with Kingsburg's Improvement Manual, except for the non-ADA parking stalls for the proposed residential units which may be 9 feet wide if approved as a part of Conditional Use Permit No. 2019-01. The parking lot in the Site Plan exhibit may be modified with the approval of the City Fire, Building, Engineering, and Planning Departments, to reconfigure the parking and access layout to optimize the potential parking field. At the discretion of the City, significant changes to the parking area may be subject to Planning Commission review for a Finding of Consistency with this use permit.
8. The subject site shall be well maintained by insuring that the landscaping is effectively watered, mowed, pruned, fertilized, and weeded; that the signs are properly lighted and painted; that the irrigation system is periodically checked to insure against leaks, over spray and watering times that are not conservation effective; and that the parking lot and driveways shall be properly paved and stripped.
9. A visible building address shall be fixed to the front of all buildings. The numbers shall be a minimum of six inches high.
10. Parking lot lights consistent with Kingsburg Improvement Standards Manual shall be installed within the interior of the subject site.
11. The applicant shall comply with the conditions from the Kingsburg Building Department:
 - a. All buildings and exterior improvements shall comply with ADA standards; and
 - b. Submit a Fire Sprinkler Plan on all buildings shall be provided with fire sprinklers; and
 - c. The applicant shall secure a building permit and pay all building and development impact fees as required by the City of Kingsburg prior to the start of construction.
12. The applicant shall comply with the city engineer's conditions as follows:
 - a. That all conditions of the applicant be conditions of approval, except as further modified below, and subject to modifications to conform to applicable

City Standards.

- b. That the conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standard Manual.
 - c. The applicant shall submit a grading and site improvement plan for on-site improvements including, but not limited to, water, sewer, concrete, asphalt, lighting, and landscaping improvements.
 - e. All electrical, telephone and cable services to the project shall be provided underground services from the point of service.
 - f. Applicant shall repair/upgrade to city standards curb, gutter, sidewalk and curb ramps along the frontage of the proposed project.
13. The applicant shall comply with the Fire Department conditions as follows:
- a. Installation of fire sprinklers and related infrastructure.
14. The project shall include surveillance cameras on all commercial entrances/exits and along California Street frontage, said camera system to have a 90-day retention period, and 24/7/365 operation.

* * * * *

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 12th day of September 2019 by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission
Secretary City of
Kingsburg



Meeting Date: 9/12/2019
Agenda Item: 7

KINGSBURG PLANNING COMMISSION STAFF REPORT

REPORT TO: Kingsburg Planning Commission

MC

REPORT FROM: Greg Collins, Contract City Planner

REVIEWED BY:

SUBJECT: Home Occupation Permit No. 2019-13 (Bertelsen) - an application to permit the use of a single bedroom at a residence located at 2012 Erling Way as an Air BnB unit

ACTION REQUESTED: Ordinance X Resolution Motion Receive/File

EXECUTIVE SUMMARY

The applicant has submitted a Home Occupation Permit (HOP) to permit a short-term rental within a single-family dwelling, which will be available for rent under the Air BnB program. Two guests can be accommodated in a bedroom at the 2012 Erling Way residence.

Under Ordinance No. 2019-004 Air B&B units are a permitted use unless a resident within the immediate neighborhood files a complaint and said complaint documents valid concerns that can be substantiated by city staff, or there is another Air BnB within a half mile of the proposed unit. In the case of HOP 2019-13 there is an Air BnB within a half-mile of the unit requesting a HOP, however, the Air BnB unit in question has been in operation since 2016 but had not received a home occupation permit.

RECOMMENDED ACTION BY PLANNING COMMISSION

Approve a resolution approving Home Occupation Permit 2019-13, permitting a short-term rental (Air BnB) at 2012 Erling Way consistent with Ordinance 2019-004 (see attached).

FINANCIAL INFORMATION

FISCAL IMPACT:

1. Is There A Fiscal Impact? Yes/No
2. Is it Currently Budgeted? N/A
3. If Budgeted, Which Line? N/A

The applicant is requesting a home occupation permit to allow for a short-term rental (Air BnB) consistent with the rules and regulations contained in Ordinance No. 2019-004 – Short-term rentals as a home occupation.

The owner of a single-family residence at 2012 Erling Way in Kingsburg, the applicant, has applied for a home occupation permit to allow for a short-term rental of one of the bedrooms within the dwelling at 2012 Erling Way.

Generally, this type of home occupation permit is approved by staff unless the city receives a “negative comment” from a resident within 300 feet of the subject property. Such a letter has been received and is attached to this report. The letter received suggests that the proposed use may generate noise and other types of negative activity that could have an adverse impact on the neighborhood.

Staff has checked with the police department to determine if any police calls have been received on 2012 Erling Way. As of this writing, staff is not aware of any such calls, however, a request of the police department regarding this type of call activity has been submitted. Staff will report its findings to the Commission on September 12th.

Further, the Planning and Building Department has not received any code violations since this dwelling has been utilized as a short-term rental.

Site Plan

The proposed building will be located on the southeast corner of Erling Way and 20th Avenue, as shown in Figure 1 – Site Plan.



Figure No. 1: 2012 Erling Way, located on the southeast corner of Erling Way and 20th Avenue.



Figure No. 2: Front view of 2012 Erling Way



Figure No. 3: Side view of 2012 Erling Way

Parking

Ordinance No. 2019-004 requires sufficient off-street parking stalls (on driveway or inside a garage or carport) to accommodate the short-term renter. Figure No. 3 above shows ample off-street parking that can accommodate both the residents of the home as well as short-term renters.

Building Code Requirements

The existing residential dwelling was constructed consistent with the Uniform Building Code. The Fire Code required that the residential unit be sprinklered.

Findings

To approve a home occupation permit for a short-term rental the use must comply with operating standards for short-term rentals as outlined in Section 17.56.010 of Chapter 56 of Title 17 of the Kingsburg Municipal Code.

CONCLUSION:

The project has been reviewed by planning staff and staff finds that so long as Home Occupation Permit 2019-13 operates consistent with the rules and regulations of Ordinance No. 2019-004, the home occupation will not have an adverse impact on the public's health, safety or welfare, and that said Permit should be approved.

ENVIRONMENTAL REVIEW:

Staff has determined the project is exempt from environmental review under the CEQA Guidelines. There is no aspect of the project that may be reasonably expected to have a significant impact on the environment.

ATTACHED INFORMATION

1. Ordinance No. 2019-004
2. Planning Commission Resolution
3. Complaint letter from Tim and Renee Nuances

**PLANNING COMMISSION RESOLUTION 19 -
A RESOLUTION OF THE KINGSBURG PLANNING COMMISSION
APPROVING HOME OCCUPATION PERMIT 2019-13, BERTELSEN**

WHEREAS, the applicant, Bertelsen, is requesting approval of a home occupation permit for a short-term rental (Air BnB), and

WHEREAS, the subject property is located on the southeast corner of Erling Way and 20th Avenue, and

WHEREAS, the subject property is zoned R-1-7 (single-family residential, one unit per 7,000 square feet), and

WHEREAS, home occupation permits are permitted within the R-1-7 district subject to various rules, regulations and operating standards, and

WHEREAS, the city staff has reviewed the proposed home occupation permit for a short-term rental (Air BnB) and has determined that it is consistent with the requirements and operating standards of Ordinance No. 2019-004, and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. The project is exempt from the California Environmental Quality Act because it is not considered to be a “project” under CEQA.
2. The proposed use is consistent with the Kingsburg General Plan, Land Use Element.
3. The project will not have an adverse impact on the health, safety or welfare of the community or immediate neighborhood.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Home Occupation Permit 2019-13 subject to the operating standards contained in Ordinance No. 2019-004.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 12th day of September 2019, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission
Secretary City of Kingsburg

Tim Y. and C. Renée Nuanes
2080 Stroud Avenue
Kingsburg, CA 93631
(559) 419-9181

June 17, 2019

City of Kingsburg
Planning and Development Department
1401 Draper Street
Kingsburg, CA 93631

Dear Planning and Development Director:

This communication is to notify the City of Kingsburg's Planning and Development Department of our opposition to the proposed home occupation HO-2019-13. This type of business provides great potential to attract a negative element to our neighborhoods and lovely City of Kingsburg.

Our neighborhood currently has a home that rents out as an Airbnb property, just two doors down from us. In the short time it has been renting, our neighborhood has repeatedly experienced extremely negative activity, which has been expressed previously and is on file with the City of Kingsburg.

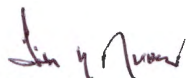
Early this morning we welcomed a new grandson and returned home from the hospital at 2:30 am. As we drove by the rental property, we noticed a man sitting in a pickup truck in the driveway, apparently preparing to leave. As the "renters" constantly change in this home, we don't know if this person belongs there or not. Was he stealing the truck? We didn't know if this was a problem or not and whether to report it.

In addition, as loud music and noise has been formally reported, our neighbors are being retaliated against with formal complaints about their own family's children making too much noise in THEIR backyard! This situation is quickly creating a hostile neighborhood environment.

As we are seeing more and more of these short-term rentals being created in Kingsburg, our concern increases for the safety of our family, the security of our home and property and the reputation of our beautiful town.

For these reasons, but not limited to, it is our opinion that that type of business is inappropriate for ANY residential neighborhood and should be subject to strict zoning. We respectfully ask you to consider the negative impact this type of business can have and decline the proposal.

Sincerely,



Tim & Renée Nuanes

ORDINANCE NO. 2019-004**AN ORDINANCE OF THE CITY OF KINGSBURG AMENDING****SECTION 17.56.010 C, OF CHAPTER 17.56 OF TITLE 17 OF THE KINGSBURG MUNICIPAL
CODE AND AMENDING SECTION 17.56.010 H AT CHAPTER 17.56 OF TITLE 17 OF THE KINGSBURG
MUNICIPAL CODE REGARDING SHORT-TERM RENTALS AS A HOME OCCUPATION**

The City Council of the City of Kingsburg does ordain as follows:

Section 1. Section 17.56.010 C. is amended to add the following language to the last sentence of the first paragraph of subsection C.: The applicant must sign the form, verifying that the home occupation, if approved, will comply with the standards listed in Subsection B and/or Subsection H of this section. An application for a home occupancy permit for a short-term rental shall identify only one (1) short-term rental property. An applicant shall not operate more than one (1) short-term rental property at any time. An application for a home occupancy permit for a short-term rental located in a single-family residential zone district shall be denied if a home occupancy permit for a short-term rental is in effect for a short-term rental located within a one- half (1/2) mile radius of the short-term rental identified in the application.

Section 2. Section 17.56.010 of Chapter 17.56 of Title 17 of the Kingsburg Municipal Code is hereby amended in its entirety as follows:

Operating standards for short-term rentals.

In addition to all other applicable requirements of this chapter, and notwithstanding any contrary provisions in the Kingsburg Municipal Code ("code"), short-term rentals are subject to the following operational standards:

1. "Definitions. The definitions in this subsection shall govern the construction, meaning, and application of the following words and phrases used in this section:

a. "Local contact person" shall mean a person who resides in the city and is designated by an owner or the owner's agent, who shall be available to respond to notification of a complaint regarding the house, condominium or apartment, and take remedial action necessary, as required under subsection 5 of this subsection H. A local contact person can be the owner if the owner resides in the City. The application for the home occupancy permit for a short-

1 term rental shall identify a local contact person should the owner be unavailable to take remedial action under subsection
2 5 of this subsection H.

3 b. "Occupant" shall mean any person who is on or in a short-term rental property other than service providers
4 or the owner, whether or not the person stays overnight.

5 c. "Owner" shall mean the person(s) or entity(ies) that holds legal or equitable title to a short-term rental.
6 "Owner" does not include a lessee of the short-term rental. The owner shall be responsible for compliance with all of
7 the provisions of this subsection H.

8 d. "Short-term rental" shall mean the rental of a single-family house which is the principal residence of the
9 owner or single-family condominium which is the principal residence of the owner or an apartment which is the
10 principal residence of the owner, excluding apartments located in the city's Central Commercial Zone District, by the
11 owner to another person or group of persons, not to exceed the "Total Occupants" identified in the Paragraph 8 below
12 ("Allowed Group of Persons"), solely for the purpose of lodging and sleeping and for no other purpose, for a period of
13 not less than two (2) consecutive nights but less than thirty (30) consecutive calendar days. The rental of units within
14 City-approved hotels, motels, bed and breakfasts, and time-share projects shall not be considered to be a short-term
15 rental.

16 2. No more than ten (10) home occupancy permits for a short-term rentals shall be in effect at any one
17 time.

18 3. No short-term rental shall be rented for more than ninety-six (96) days during a twelve (12) month
19 permit. The date of issuance of the home occupancy period shall be the first day of the initial twelve (12) month period.
20 On or before the tenth (10th) day of each month, an owner must submit a monthly rental report to the city confirming
21 the number of days the short-term rental was rented during the prior month.

22 4. In single family residential zone districts as identified in the code, short-term rentals must be separated
23 by a minimum of one-half (1/2) mile.

24 5. The owner of a short-term rental shall not be relieved of any personal responsibility or personal
25 liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the short-
26 term rental, regardless of whether such noncompliance was committed by the owner's agent, a local contact person or
27 the occupants of the owner's short-term rental.

28 6. The owner shall ensure that the short-term rental comply with all applicable codes regarding fire,
building and safety, health and safety, and all other relevant laws, regulations and ordinances, obtain all permits
required, including, without limitation, a home occupation permit issued in accordance with the provisions of this
section, and pay all applicable fees.

1 7. While a short-term rental is rented, the owner or local contact person shall be available by telephone
2 twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition,
3 operation or conduct of occupants of a short-term rental. The owner or local contact person must be on the premises of
4 the short-term rental at the request of a code enforcement officer or the City's Police Department within thirty (30)
5 minutes after contact to satisfactorily correct or take remedial action necessary to resolve any complaint, alleged
6 nuisance or violation of this chapter or the code by occupants occurring at the short-term rental. Failure of the owner
7 or a local contact person to respond to calls or complaints in a timely and appropriate manner as required by this Section
8 17.56.010 H. shall be grounds for revocation of the home occupation permit for the short-term rental.

9 8. Within ten (10) calendar days following the issuance of a home occupation permit for a short-term
10 rental, the owner shall mail or personally deliver in writing ("Short Term Rental Notice") the following information to
11 the owners and occupants of properties within three hundred (300) feet in each direction, from the property line of the
12 short-term rental as determined by the City: the name and telephone number of the owner or the local contact person,
13 who shall be available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the
14 use, condition, operation or conduct of occupants of a short-term rental. Thereafter, within thirty (30) days following
15 the issuance of the home occupation permit, the owner shall sign under penalty of perjury, and submit to the City Clerk
16 a dated written certification that the required mailing or delivery was completed. At any time during the pendency of
17 a home occupation permit for a short-term rental any information in the Short Term Rental Notice changes, the owner
18 shall, within ten (10) calendar days following the change in information, mail or personally deliver in writing the
19 updated Short-Term Rental Notice setting forth the new information to maintain accuracy and shall also promptly
20 submit to the City Clerk a signed (under penalty of perjury) and dated written certification that the required mailing or
21 delivery of the updated Short Term Rental Notice was completed.

22 9. Short-term rentals shall be used solely for overnight lodging accommodations. At no time shall a
23 short-term rental be used for activities in excess of the occupancy limits established in subsection 8 of this subsection
24 H, or for weddings, receptions, parties, commercial functions, conferences, or other similar assemblies that are
25 separate from the solely purpose of lodging.

26 10. All advertising appearing in any written publication or on any website that promotes the availability
27 or existence of a short-term rental shall include the City-issued home occupation permit number as part of the rental
28 offering. No person shall advertise the use as a short-term rental unless the City has approved a home occupation
permit for short-term rental in accordance with this section.

 11. The owner shall limit occupancy of a short-term rental to a specific number of occupants. The
following table sets forth the maximum number of occupants for all short-term rentals:

Number of Bedrooms	Total Occupants
0-Studio	2
1	4
2	7
3	9
4	10

If the home occupation permit for a short-term rental limits occupancy of the short-term rental to a number less than that shown on the table, the limit set forth in the home occupation permit shall control.

12. Only the habitable interior portions of the short-term rental shall be utilized as a short-term rental. No garages, tents, camper trailers, recreational vehicles, or other exterior structures or spaces shall be used as short-term rentals.

13. In any advertising concerning the availability of a short-term rental, the owner or a local contact person shall advertise the maximum number of occupants allowed to occupy the short-term rental.

14. All vehicles of occupants of a short-term rental single family house or condominium shall be parked only in an approved driveway or garage on the short-term rental single family house or condominium. The maximum number of vehicles allowed for a short-term rental single family house or condominium shall be limited to the number of available off-street parking spaces; however, any short-term rental must have a minimum of two (2) off-street parking spaces. The owner shall provide access to the garage of the short-term rental if that area has been included in the determination of the number of available off-street parking spaces pursuant to this subsection. In no event shall off-street parking include the use of landscaped areas, any private or public sidewalk, parkway, walkway or alley (or any portion thereof) located on, at or adjacent to the short-term rental or the blocking of the driveway or street in front of the short-term rental. The term "sidewalk" shall include that portion of a driveway that is delineated for pedestrian travel or is in the public right-of-way.

15. No on-site exterior signs shall be posted advertising the availability of a short-term rental at the short-term rental property.

1 16. If the code enforcement officer or police department has received a complaint concerning a suspected
2 violation of this subsection or of the code or any applicable law, rule, or regulation pertaining to the use or occupancy
3 of a short-term rental, or if the code enforcement officer or police department has reason to believe that such a violation
4 has occurred, the code enforcement officer or the police department shall notify the owner or the local contact person of
5 the complaint or suspected violation and the notified person shall cooperate in facilitating the investigation and the
6 correction of the suspected violation. Failure of the owner or the local contact person to affirmatively respond to the
7 officer's request within thirty (30) minutes and reasonably cooperating in facilitating the investigation and the correction
8 of the suspected violation shall be deemed to be a violation of this subsection and the home occupancy permit.
9 Notwithstanding the foregoing, it is not intended that an owner or the local contact person act as a peace officer or place
himself or herself in an at-risk situation.

10 17. No musical instrument, phonograph, loudspeaker, amplified or reproduced sound, or any machine or
11 device for the production or reproduction of any sound shall be used outside or be audible from the outside of a short-
12 term rental between the hours of 10:00 p.m. and 9:00 a.m.

13 18. Occupants shall not engage in outdoor activities on a short-term rental between the hours of 10:00
14 p.m. and 9:00 a.m. The hours between 10:00 p.m. and 9:00 a.m. are considered to be "quiet time," where all activities
15 at a short-term rental shall be conducted inside of a short-term rental so that no outdoor activity will disturb the peace
16 and quiet of the neighborhood adjacent to a short-term rental or cause discomfort or annoyance to any reasonable
17 person of normal sensitivity residing in the area.

18 19. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose
19 of collection by the responsible trash hauler, in accordance with the City requirements. The owner of a short-term rental
20 shall provide sufficient trash collection containers and service to meet the demand of the occupants. The short-term
21 rental shall be free of debris both on site and in the adjacent portion of the street.

22 20. It is unlawful for any owner, occupant, renter, person present upon, or person having charge or
23 possession of a short-term rental to make or continue or cause to be made or continued any loud, unnecessary or unusual
24 noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any
reasonable person of normal sensitivity residing in the area, or violates any other applicable provision of this code.

25 21. The owner or the local contact person shall ensure that the occupants of a short-term rental do not
26 create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State
27 law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs.
28 Owners or local contact persons are expected to take all measures necessary to abate disturbances, including, but not
limited to, directing the occupants of a short-term rental to cease the disturbing conduct, calling for law enforcement

1 services or enforcement officers, removing the occupant(s), or taking any other action necessary to immediately abate
2 the disturbance.

3 22. The owner shall post a sign at a conspicuous location within the short-term rental advising occupants
4 of all rules and operational standards imposed upon occupants under this subsection. The sign shall also include the
5 telephone numbers for the City of Kingsburg, the Kingsburg Police Department and the Kingsburg Fire Department.

6 23. All short-term rentals shall be subject to the City's transient occupancy tax, as required by Title 3,
7 Chapter 3.16 of the code. For the purposes of this subsection, the definitions in Section 3.16.020 of Title 3 of Chapter
8 3.16 of the code shall include the following: (i) the definition of "Hotel" shall include short-term rental; (ii) the
9 definition of "Occupancy" shall include the renting of a short-term rental; (iii) the definition of "Operator" shall include
10 the owner of a short-term rental; (iv) the definition of "Rent" shall include the rent paid by the occupant of a short-
11 term rental; and (v) the definition of a "Transient" shall include an occupant of a short-term rental. The owner shall
12 also maintain at all times a valid Kingsburg business license. All transient occupancy tax statements shall be addressed
13 to the owner and the local contact person.

14 24. A short-term rental shall not exceed one short-term rental per short-term rental.

15 25. Upon the violation of any provision of this Section 17.56.010 H, the City's code enforcement officer
16 shall issue an administrative citation, and serve the same in accordance with the provision of Subsection 24 on the owner
17 and the local contact person identified on the application for the home occupation permit for the short-term rental. The
18 administrative citation shall contain the following:

19 a. The street address of the short-term rental;

20 b. A statement that the code enforcement officer has determined that a violation of Section
21 17.56.010 H has occurred and a brief description of the conditions that render the short-term rental or the use thereof
22 in violation of Section 107.56.010 H;

23 c. A statement to require the owner or the local contact person to correct the violation within
24 the time period identified in the administrative citation which time period shall not exceed ten (10) days after the date
25 of service of the administrative citation, unless the code enforcement officer identifies a longer period of time on the
26 administrative citation;

27 d. Amount of fine imposed for the violation(s);

28 e. Explanation of how the fine shall be paid and the consequences of failure to pay the fine;

f. A statement advising the owner or local contact person that they may appeal the issuance of
the administrative citation in accordance with subsection 27.

1 g. Signature of the code enforcement officer and the signature of the owner or the local contact
2 person. If the owner or the local contact person refuses or does not sign the administrative citation, the lack of such
3 signatures shall in no way affect the validity of the administrative citation and subsequent proceedings;

4 h. The issuance to two (2) administrative citations to an owner or local contact person, (subject
5 to the owner's right to appeal pursuant to subsection 27), shall result in the immediate revocation of the home
6 occupancy permit for the short-term rental. Upon such revocation, the owner may not file an application for a home
7 occupancy permit for a short-term rental for a period of one (1) year after the date of the second administrative citation.

8 26. The administrative citation, and any documents related thereto shall be served by one of the following
9 methods:

10 a. Personal service; or

11 b. First class mail, postage prepaid, to the owner and the local contact person at the addresses
12 as it appears on the owner's application for issuance of the home occupation permit for the short-term rental. The
13 addresses shown on the owner's application for issuance of the home occupation permit for the short-term rental shall
14 be conclusively deemed to be the correct addresses for the purpose of service of the administrative citation. Service by
15 mail in the manner described above shall be effective on the date of mailing;

16 c. The failure of the owner or local contact person to receive any administrative citation served
17 in accordance with this subsection shall not affect the validity of any proceedings taken under this Section 17.56.010
18 H.

19 27. Proof of service of the administrative citation shall be documented at the time of service by a
20 declaration under penalty of perjury executed by the person effecting service, declaring the date and manner in which
21 service was made.

22 28. The city council by resolution shall establish the amount of the fine to be assessed for administrative
23 citations issued by the code enforcement officer. The failure of any person to pay a fine assessed by administrative
24 citation within the time specified on the administrative citation constitutes a debt to the city. To enforce that debt, the
25 code enforcement officer may file a claim with the small claims court; impose an assessment lien as set forth in
26 Kingsburg Municipal Code Section 17.92.053; or pursue any other legal remedy to collect the fine.

27 29. Any person receiving an administrative citation may appeal the issuance of the administrative citation
28 to the city council. The notice of appeal must be submitted on an appeal form provided by the City, must specify the
basis for the appeal in detail and must be filed with the code enforcement officer within ten (10) calendar days after

1 the date on the administrative citation. If the deadline falls on a weekend or city holiday, then the deadline shall be
2 extended until the next regular business day.

3 a. If the notice of appeal is filed in accordance with the provisions of this subsection 27, the
4 enforcement of the violations identified in the administrative citation and the requirement to pay any fine shall be
5 stayed until the date that the appeal hearing is held by the city council.

6 b. As soon as practicable after receiving the written notice of appeal, the city clerk shall fix a
7 date, time and place for the hearing. Written notice of the date, time and place for the hearing shall be served at least
8 ten (10) days prior to the date of the hearing to the party appealing the administrative citation by any one of the
9 following means:

10 1. Personal service; or

11 2. First class mail addressed to the owner and the local contact person at the
12 addresses identified on the application of the home occupation permit for the short-term rental. The failure of the
13 owner or local contact person to receive such notice shall not affect the validity of any proceedings taken by the City
14 council. Service by mail in the manner described above shall become effective on the date of mailing.

15 c. Failure of any person to file an appeal in accordance with the provisions of this subsection
16 27 shall constitute waiver of that person's rights to administrative determination of the merits of the administrative
17 citation and the amount of the fine.

18 d. The city council shall conduct an appeal proceeding and accept oral and written evidence
19 regarding the administration citation in the following manner:

20 1. The code enforcement officer shall present testimony and evidence relating to the
21 violation and the appropriate means of correcting the violation.

22 2. The owner and the local contact person may present testimony or evidence
23 concerning the violation and the means and time frame for correction.

24 e. The city council may sustain, modify or overrule the administrative citation.

25 f. The decision of the city council regarding any appeal is the final administrative order and
26 decision.

27 Section 2. This ordinance shall take effect thirty (30) days after its adoption and shall become operative and in full
28 force on August 16, 2019. Within fifteen (15) days after adoption, a summary of this ordinance shall be published
with the names of the city council members voting for and against the same, once in a local newspaper of general
circulation in the City of Kingsburg, County of Fresno, State of California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg duly called and held on the 17th day of July, 2019, by the following vote:

AYES: Council Member(s): Hurtado, Palomar, Dix, North, and Mayor Roman.

NOES: Council Member(s): None.

ABSENT: Council Member(s): None.

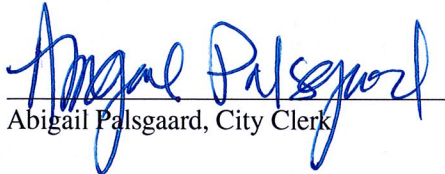
ABSTAIN: Council Member(s): None.

APPROVED



Michelle Roman, Mayor

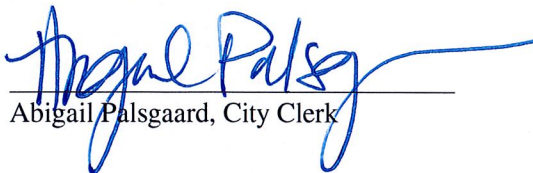
ATTEST:



Abigail Palsgaard, City Clerk

Date: 7/18/2019

I, ABIGAIL PALSGAARD, City Clerk of the City of Kingsburg do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Kingsburg City Council held on the 19th day of June, 2019, and was adopted at a regular meeting of said Council held on the 17th day of July, 2019.



Abigail Palsgaard, City Clerk